

<b>FORM B1 United States Bankruptcy Court District of Western New York</b>		<b>VOLUNTARY PETITION</b>
Name of Debtor (If individual, enter Last, First, Middle): <b>Costello, Brian M.</b>		Name of Joint Debtor (Spouse)(Last, First, Middle): <b>Costello, Heather K.K.</b>
All Other Names used by the debtor in the last 6 years (include married, maiden and trade names): <b>NONE</b>		All Other Names used by the joint debtor in the last 6 years (include married, maiden and trade names): <b>Kernan, Heather Kae a/k/a Costello, Heather Kae Kernan</b>
Last four digits of Soc. Sec./Tax I.D. No. (If more than one, state all): <b>1591</b>		Last four digits of Soc. Sec./Tax I.D. No. (If more than one, state all): <b>9921</b>
Street Address of Debtor (No. & Street, City, State & Zip Code): <b>19 Cary Avenue, Oakfield, New York 14125</b>		Street Address of Debtor (No. & Street, City, State & Zip Code): <b>27 St. John Street Lancaster, New York 14086</b>
County of Residence or of the Principal Place of Business: <b>GENESEE</b>		County of Residence or of the Principal Place of Business: <b>ERIE</b>
Mailing Address of Debtor (If different from street address):		Mailing Address of Joint Debtor (If different from street address):
Location of Principal Assets of Business Debtor (if different from street address above):		
<b>Information Regarding Debtor (Check the Applicable Boxes)</b>		
<b>Venue</b> (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this district.		
<b>Type of Debtor</b> (Check all boxes that apply) <input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other <input type="checkbox"/> Clearing Bank		<b>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 – Case ancillary to foreign proceeding
<b>Nature of Debt</b> (Check one box) <input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business		<b>Filing Fee</b> (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3
<b>Chapter 11 Small Business</b> (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)		
<b>Statistical/Administrative Information</b> (Estimates only) <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE FOR COURT USE ONLY
Estimated Number of Creditors 1-15      16-49      50-99      100-199      200-999      1000-over <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Estimated Assets \$0 to \$50,000      \$50,001 to \$100,000      \$100,001 to \$500,000      \$500,001 to \$1 million      \$1,000,001 to \$10 million      \$10,000,001 to \$50 million      \$50,000,001 to \$100 million      More than \$100 million <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Estimated Debts \$0 to \$50,000      \$50,001 to \$100,000      \$100,001 to \$500,000      \$500,001 to \$1 million      \$1,000,001 to \$10 million      \$10,000,001 to \$50 million      \$50,000,001 to \$100 million      More than \$100 million <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		

<b>Voluntary Petition</b> (This page must be completed and filed in every case)		Name of Debtor(s):	
<b>Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)</b>			
Location Where Filed: <b>NONE</b>		Case Number:      Date Filed:	
<b>Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)</b>			
Name of Debtor: <b>NONE</b>		Case Number:      Date Filed:	
District:		Relationship:      Judge:	

  

<b>Signatures</b>	
<p style="text-align: center;"><b>Signature(s) of Debtor(s) (Individual/Joint)</b></p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct.          [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.          I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p><b>X</b> <u>/s/ Brian M. Costello</u>          Signature of Debtor <b>Brian M. Costello</b></p> <p><b>X</b> <u>Heather K.K. Costello a/k/a Heather Kae Kernan a/k/a Heather Kae Kernan Costello</u>          Signature of Joint Debtor <b>Heather K.K. Costello a/k/a Heather Kae Kernan a/k/a Heather Kae Kernan Costello</b></p> <p>_____          Telephone Number (If not represented by attorney)</p> <p><u>February 4, 2005</u>          Date</p>	<p style="text-align: center;"><b>Exhibit A</b></p> <p style="text-align: center;">(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p> <hr/> <p style="text-align: center;"><b>Exhibit B</b></p> <p style="text-align: center;">(To be completed if debtor is an individual whose debts are primarily consumer debts)</p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.</p> <p><b>X</b> <u>/s/ Diane R. Tiveron</u> <b>February 4, 2005</b>          Signature of Attorney for Debtor(s)      Date</p> <hr/> <p style="text-align: center;"><b>Exhibit C</b></p> <p>Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?</p> <p><input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition.  <input checked="" type="checkbox"/> No</p>

  

<p style="text-align: center;"><b>Signature of Attorney</b></p> <p><b>X</b> <u>/s/ Diane R. Tiveron</u>          Signature of Attorney for Debtor(s)  <b>Diane R. Tiveron</b>          Printed Name of Attorney for Debtor(s)      Bar ID Number  <u>Hogan &amp; Willig, PLLC</u>          Firm Name</p> <p><b>One John James Audubon Parkway, Suite 210</b>  <b>Amherst, New York 14228</b>          Address</p> <p><u>(716) 636-7600</u>          Telephone Number  <u>February 4, 2005</u>          Date</p>	<p style="text-align: center;"><b>Signature of Non-Attorney Petition Preparer</b></p> <p>I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.</p> <p>_____          Printed Name of Bankruptcy Petition Preparer</p> <p>_____          Social Security Number (Required by 11 U.S.C. §110)</p> <p>_____          Address</p> <p>_____          Address</p> <p>Names and Social Security Numbers of all other Individuals who prepared or assisted in preparing this document:</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><b>X</b> _____          Signature of Bankruptcy Petition Preparer</p> <p>_____          Date</p> <p>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</p>
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<p style="text-align: center;"><b>Signature of Debtor (Corporation/Partnership)</b></p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.</p> <p>The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p><b>X</b> _____          Signature of Authorized Individual</p> <p>_____          Printed Name of Authorized Individual</p> <p>_____          Title of Authorized Individual</p> <p>_____          Date</p>	<p>Case 1-05-11033-MJK, Doc 1, Filed 02/15/05, Entered 02/15/05 14:11:02,          Description: Main Document , Page 2 of 38</p>
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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

In re:	Case Number:
<b>Costello, Brian M. and Heather K.K., Debtor(s)</b>	(If Known)

**SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules a, B, D, E, F, I and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

				AMOUNTS SCHEDULED		
	NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A-	Real Property	YES	1	\$0.00		
B-	Personal Property	YES	3	\$14,770.00		
C-	Property Claimed as Exempt	YES	1			
D-	Creditors Holding Secured Claims	YES	1		\$14,500.00	
E-	Creditors Holding Unsecured Priority Claims	YES	2		\$0.00	
F-	Creditors Holding Unsecured Nonpriority Claims	YES	4		\$42,415.00	
G-	Executory Contracts and Unexpired Leases	YES	1			
H-	Codebtors	YES	1			
I-	Current Income of Individual Debtor(s)	YES	2			\$4,328.56 (Brian) \$2,275.00 (Heather)
J-	Current Expenditures of Individual Debtors	YES	2			\$4,298.00 (Brian) \$2,477.00 (Heather)
<b>Total Number of Sheets Of ALL Schedules</b>			18			
<b>Total Assets</b>				\$14,770.00		
<b>Total Liabilities</b>					\$56,915.00	

In re:	Case Number:
<b>Costello, Brian M. and Heather K.K., Debtor(s)</b>	(If Known)

### SCHEDULE A – REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G – Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C – Property Claimed as Exempt.

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
<b>NONE</b>				
Total			<b>\$0.00</b>	

(Report also on Summary of Schedules.)

In re:	Case Number:
<b>Costello, Brian M. and Heather K.K., Debtor(s)</b>	(If Known)

### SCHEDULE B – PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C – Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G – Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property."

TYPE OF PROPERTY		NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE,JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1.	Cash on hand.	<input checked="" type="checkbox"/>	2. Checking Account		Nominal
2.	Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.	<input type="checkbox"/>			
3.	Security deposits with public utilities, telephone companies, landlords, and others.	<input checked="" type="checkbox"/>			
4.	Household goods and furnishings, including audio, video and computer equipment.	<input type="checkbox"/>	4. Household Furnishings		\$750.00
5.	Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	<input checked="" type="checkbox"/>	6. Wearing Apparel		\$200.00
6.	Wearing apparel.	<input type="checkbox"/>			
7.	Furs and jewelry.	<input checked="" type="checkbox"/>			
8.	Firearms and sports, photographic, and other hobby equipment.	<input checked="" type="checkbox"/>			
9.	Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	<input type="checkbox"/>	9. Northwestern Mutual Cash Value MetLife Cash Value	H W	\$2,800.00 \$3,200.00
10.	Annuities. Itemize and name each issuer.	<input checked="" type="checkbox"/>			

In re:

Costello, Brian M. and Heather K.K. , Debtor(s)

Case Number:

(If Known)

**SCHEDULE B – PERSONAL PROPERTY**  
(Continuation Sheet)

TYPE OF PROPERTY		NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE,JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
11.	Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize	<input checked="" type="checkbox"/>	17. Expected 2004 Income Tax Refund		Unknown
12.	Stocks and interests in incorporated and unincorporated businesses. Itemize.	<input checked="" type="checkbox"/>			
13.	Interest in partnerships or joint ventures. Itemize.	<input checked="" type="checkbox"/>			
14.	Government and corporate bonds and other negotiable and non-negotiable instruments.	<input checked="" type="checkbox"/>			
15.	Accounts receivable.	<input checked="" type="checkbox"/>			
16.	Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	<input checked="" type="checkbox"/>			
17.	Other liquidated debts owing debtor including tax refunds. Give particulars.	<input type="checkbox"/>			
18.	Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property. (Form 6A.)	<input checked="" type="checkbox"/>			
19.	Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	<input checked="" type="checkbox"/>			
20.	Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	<input checked="" type="checkbox"/>			
21.	Patents, copyrights, and other intellectual property. Give particulars.	<input checked="" type="checkbox"/>			
22.	Licenses, franchises, and other general intangibles. Give particulars.	<input checked="" type="checkbox"/>			

In re:

Costello, Brian M. and Heather K.K. , Debtor(s)

Case Number:

(If Known)

**SCHEDULE B – PERSONAL PROPERTY**  
(Continuation Sheet)

TYPE OF PROPERTY		NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE,JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
23.	Automobiles, trucks, trailers and other vehicles and accessories.	<input type="checkbox"/>	<b>23. 1996 Chevrolet Blazer 2001 Ford Windstar</b>	<b>Husband Wife</b>	<b>\$2,020.00 \$5,800.00</b>
24.	Boats, motors, and accessories.	<input checked="" type="checkbox"/>			
25.	Aircraft and accessories.	<input checked="" type="checkbox"/>			
26.	Office equipment, furnishings, and supplies.	<input checked="" type="checkbox"/>			
27.	Machinery, fixtures, equipment and supplies used in business.	<input checked="" type="checkbox"/>			
28.	Inventory.	<input checked="" type="checkbox"/>			
29.	Animals.	<input checked="" type="checkbox"/>			
30.	Crops - growing or harvested. Give particulars.	<input checked="" type="checkbox"/>			
31.	Farming equipment and implements.	<input checked="" type="checkbox"/>			
32.	Farm supplies, chemicals and feed.	<input checked="" type="checkbox"/>			
33.	Other personal property of any kind not already listed. Itemize.	<input checked="" type="checkbox"/>			
<u>0</u> continuation sheets attached					<b>\$14,770.00</b>

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules)

In re:	Case Number:
<b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	(If Known)

### SCHEDULE C – PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemptions to which debtor is entitled under

(Check one box)

- ☐ 11 U.S.C. §522 (b)(1) Exemptions provided in 11 U.S.C. § 522(d). Note: These exemptions are available only in certain states.
- ☒ 11 U.S.C. §522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
<b>Wearing Apparel</b>	<b>CPLR 5205</b>	<b>\$200.00</b>	<b>\$200.00</b>
<b>Household Furnishings</b>	<b>CPLR 5205</b>	<b>\$750.00</b>	<b>\$750.00</b>
<b>1996 Chevrolet Blazer</b>	<b>Debtor/Creditor §282</b>	<b>\$2,020.00</b>	<b>\$2,020.00</b>
<b>2004 Expected Income Tax Refund</b>	<b>Debtor/Creditor §283</b>	<b>\$5,000.00</b>	<b>Unknown</b>
<b>Northwestern Mutual Cash Value (H)</b>	<b>Insurance Law §3212(b)</b>	<b>\$2,800.00</b>	<b>\$2,800.00</b>
<b>MetLife Cash Value (W)</b>	<b>Insurance Law §3212(b)</b>	<b>\$3,200.00</b>	<b>\$3,200.00</b>



In re:	Case Number:
<b>Costello, Brian M. and Heather K.K.</b> , Debtor(s)	(If Known)

### SCHEDULE D – CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interest such as judgment liens, garnishments, statutory liens, mortgages, deed of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H – Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
<b>8592</b>  <b>HSBC Bank USA</b> <b>Suite 111 P.O. Box 2013</b> <b>Buffalo, NY 14240-2013</b>	N	J	claim incurred in or about July, 1999 as and for a first lien against a 1996 Chevrolet Blazer vehicle  <b>VALUE: \$2,020.00</b>				<b>\$1,300.00</b>	<b>\$0.00</b>
<b>3408</b>  <b>Chase Manhattan Bank NA</b> <b>P.O. Box 5210</b> <b>New Hyde Park, NY 11042</b>	N	W	Claim incurred in or about October, 2004 as and for a first lien against a 2001 Ford Windstar vehicle  <b>VALUE: \$5,800.00</b>				<b>\$13,200.00</b>	<b>\$7,400.00</b>
LAST FOUR DIGITS OF ACCOUNT NO.								
LAST FOUR DIGITS OF ACCOUNT NO.								
Subtotal							<b>\$14,500.00</b>	
(Total of this page) Total (Use only on last page)							<b>\$14,500.00</b>	

(Report total also on Summary of Schedules)

  0   Continuation sheets attached

In re:	Case Number:
<b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	(If Known)

## SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled, "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

**TYPE OF PRIORITY CLAIMS** (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

- ☐ **Extensions of credit in an involuntary case:** Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. §507(a)(2).
- ☐ **Wages, salaries, and commissions:** Wages, salaries and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4,650\* per person, earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).
- ☐ **Contributions to employee benefit plans:** Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).
- ☐ **Certain farmers and fishermen:** Claims of certain farmers and fishermen, up to \$4,650\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).
- ☐ **Deposits by individuals:** Claims of individuals up to \$2,100\* for deposits for the purchase, lease, or rental of property or services for personal, family or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).
- ☐ **Alimony, Maintenance, or Support:** Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. §507(a)(7).
- ☐ **Taxes and certain other debts owed to governmental units:** Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. §507(a)(7).
- ☐ **Commitments to Maintain the Capital of an Insured Depository Institution:** Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. §507(a)(9).

\* Amounts are subject to adjustment on April 1, 2004, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

\_\_\_\_\_ continuation sheets attached

In re:  <b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	Case Number:  (If Known)
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**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**  
(Continuation Sheet)

TYPE OF PRIORITY

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	TOTAL AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY
NONE	N							
	N							
LAST FOUR DIGITS OF ACCOUNT NO.								
LAST FOUR DIGITS OF ACCOUNT NO.								
LAST FOUR DIGITS OF ACCOUNT NO.								
LAST FOUR DIGITS OF ACCOUNT NO.								
Subtotal							<b>\$0.00</b>	
Sheet no. _____ of _____ continuation sheets attached to Schedule of Creditors Holding <b>Unsecured Priority Claims</b>							<b>\$0.00</b>	

(Total of this page)

Total

(Use only on last page of completed Schedule E)

(Report total also on Summary of Schedules)

In re:  <b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	Case Number:  (If Known)
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### SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H – Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife Joint or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured non-priority claims to report on this Schedule F

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
0029 Annie's Attic Series P.O. Box 8000 Big Sandy, TX 75755-8000	N	H	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$20.00
3389 Cingular Wireless P.O. Box 17496 Baltimore, MD 21297-1496	N	H	Goods and services provided to petitioner pursuant to credit report dated November 30, 2004				\$350.00
Also Notify: Collection Company of America P.O. Box 329 Norwell, MA 02061-0329	N	H					
0927 Democrat and Chronicle 55 Exchange Boulevard Rochester, NY 14614	N	H	Goods and services provided to petitioner pursuant to credit report dated June 6, 2004				\$20.00
Subtotal							\$390.00
Total							\$

  3   continuation sheets attached

(Report total also on Summary of Schedules)

In re: <b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	Case Number:  (If Known)
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**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
5836 Household Bank c/o HSBC Card Services P.O. Box 17332 Baltimore, MD 21297-1332	N J	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$9,150.00
6390 Rochester and Monroe County Employees Federal Credit Union 460 N Goodman Street Rochester, NY 14609	N H	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$2,200.00
1582 Sam's Club P.O. Box 530942 Atlanta, GA 30353-0942	N W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$275.00
Also Notify: NCO Financial Systems Inc. c/o Monogram Credit Card Bank of Georgia P.O. Box 105985 Atlanta, GA 30348-5985						
2203 E-Trade/SST Inc. Systems & Services Technologies P.O. Box 3777 St. Joseph, MO 64503-3777	N H	Deficiency balance with respect to a repossessed 1998 Ford Windstar vehicle pursuant to statement dated December 31, 2004				\$4,450.00
Subtotal						\$16,075.00
(Total of this page) Total						\$

Sheet no. 1 of 3 continuation  
sheets attached to Schedule of Creditors Holding  
Unsecured Priority Claims

(Use only on last page of completed Schedule F)

(Report total also on Summary of Schedules)

In re: <b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	Case Number:  (If Known)
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**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
<b>2290</b> Citicorp Credit Services, Inc. (USA) c/o Alliance One Receivables Management Inc. P.O. Box 21951 Eagan, MN 55121-9998	N W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$3,600.00
<b>Also Notify:</b> Citi Cards P.O. Box 6345 The Lakes, NV 88901-6345						
<b>1502</b> Disney Cardmember Service P.O. Box 15153 Wilmington, DE 19886-5153	N W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$100.00
<b>2201</b> HSBC Bank USA NA P.O. Box 37278 Baltimore, MD 21297-3278	N W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$750.00
<b>2841</b> Wells Fargo Financial P.O. Box 98784 Las Vegas, NV 89193-8784	N W	Goods and services provided to petitioner pursuant to statement dated December 19, 2004				\$2,350.00
<b>0808</b> Raymour and Flanigan c/o Wells Fargo Financial National Bank P.O. Box 98796 Las Vegas, NV 89193-8796	N W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$550.00
Subtotal						\$7,350.00
(Total of this page) Total						\$
(Use only on last page of completed Schedule F)						
(Report total also on Summary of Schedules)						

Sheet no. 2 of 3 continuation  
sheets attached to Schedule of Creditors Holding  
Unsecured Priority Claims

In re:	Case Number:
<b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	(If Known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTROR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
<b>5399</b> Target National Bank P.O. Box 59317 Minneapolis, MN 55459-0317	N	W	Goods and services provided to petitioner pursuant to statement dated January 6, 2005				\$4,800.00
<b>2841</b> WF Finance c/o World Financial NNB P.O. Box 659728 San Antonio, TX 78265-9728	N	W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$1,850.00
<b>7372</b> JCPenney P.O. Box 960001 Orlando, FL 32896-0001	N	W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$400.00
<b>Also Notify:</b> Risk Management Alternatives, Inc. 11214 Renner Road Lenexa, KS 66219							
<b>9365</b> Citibank (South Dakota) N.A. Customer Service Center P.O. Box 6500 Sioux Falls, SD 57117-6500	N	W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$10,950.00
<b>Bank One NA</b> c/o Bank One P.O. Box 1515 Wilmington, DE 19886-5153	N	W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$100.00
<b>Village of Bergen</b> P.O. Box 100 11 Buffalo Street Bergen, NY 14416	N	J	Deficiency Balance for electrical utility services provided to 15 Canterbury Lane				\$150.00
<b>Village of Bergen</b> P.O. Box 100 11 Buffalo Street Bergen, NY 14416	N	J	Deficiency Balance for sewer services provided to 15 Canterbury Lane				\$200.00
<b>1639</b> CBUSA Sears P.O. Box 182149 Columbus, OH 43218-2149	N	W	Goods and services provided to petitioner pursuant to credit report dated January 3, 2005				\$150.00
Subtotal							<b>\$18,600.00</b>
(Total of this page) Total							<b>\$42,415.00</b>
(Use only on last page of completed Schedule F)							
(Report total also on Summary of Schedules							

Sheet no. 3 of 3 continuation  
sheets attached to Schedule of Creditors Holding  
Unsecured Priority Claims

In re: <b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	Case Number:  (If Known)
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### SCHEDULE G – EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests.

State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease.

Provide the names and complete mailing addresses of all other parties to each lease or contract described.

NOTE: A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

☒ **Check this box if debtor has no executory contracts or unexpired leases.**

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT
NONE	



In re:

**Costello, Brian M. and Heather K.K. , Debtor(s)**

Case Number:

(If Known)

**SCHEDULE H – CODEBTORS**

Provide the information required concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. In community property states, a married debtor not filing a joint case should report the name and address of the non-debtor spouse on this schedule. Include all names used by the nondebtor spouse during the six years immediately preceding the commencement of this case.

☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
NONE	

In re:	Case Number:
<b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	(If Known)

**SCHEDULE I – CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**  
**(DEBTOR, BRIAN M. COSTELLO)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE		
	RELATIONSHIP	AGE	
<b>Separated</b>	<b>SKC, Daughter</b>	<b>8</b>	
	<b>JMC, Son</b>	<b>4</b>	
	<b>EMC, Daughter</b>	<b>3</b>	
	<b>TCC, Son</b>	<b>1</b>	
	EMPLOYMENT:		
	DEBTOR	SPOUSE	
Occupation	<b>Police Officer and MILITARY</b>	<b>Homemaker</b>	
Name of Employer	<b>City of Rochester</b>	<b>N/A</b>	
How Long Employed	<b>Since October 7, 1996</b>	<b>N/A</b>	
Address of Employer	<b>185 Exchange Boulevard Rochester, NY 14614</b>	<b>N/A</b>	

**Income:** (Estimate of average monthly income)

Debtor

Spouse

Current monthly gross wages, salary and commissions  
(pro rate if not paid monthly)

**\$5,088.68**

**\$0.00**

**Military**

**\$ 368.44**

Estimate monthly overtime

**N/A**

**SUBTOTAL**

**\$5,457.12**

Less Payroll Deductions

a. Payroll taxes and social security

**\$1,128.56**

b. Insurance

**N/A**

c. Union dues

**N/A**

d. Other (Specify) \_\_\_\_\_

**N/A**

**SUBTOTAL OF PAYROLL DEDUCTIONS**

**\$1,128.56**

**TOTAL NET MONTHLY TAKE HOME PAY**

**\$4,328.56**

Regular income from operation of business or profession or farm (attach detailed statement)

Income from real property

Interest from real property

Interest and dividends

Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.

Social security or other government assistance  
(Specify) \_\_\_\_\_

Pension or retirement income

Other monthly income  
(Specify) \_\_\_\_\_

**TOTAL MONTHLY INCOME**

**\$4,328.56**

**TOTAL COMBINED MONTHLY INCOME \$4,328.56** (Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

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In re:	Case Number:
<b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	(If Known)

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)****(DEBTOR, BRIAN M. COSTELLO)**

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

- ☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (Include lot rented for mobile home)	\$200.00
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>N/A</b>
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>N/A</b>
Utilities Electricity and heating fuel	\$115.00
Water and sewer	\$ 35.00
Telephone	\$ 40.00
Cell Phone	\$ 80.00
Other: Cable	\$ 30.00
Home maintenance (repairs and upkeep)	
Food	\$300.00
Clothing	\$ 75.00
Laundry and dry cleaning	
Medical and dental expenses	\$ 40.00
Transportation (not including car payments)	\$300.00
Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ 25.00
Charitable contributions	
Insurance (not deducted from wages or included in home mortgage payments):	
Homeowner's or Renter's	
Life	\$175.00
Health	\$ 81.00
Auto	\$100.00
Other	
Taxes (not deducted from wages or included in home mortgage payments)	
(Specify)	
Installment payments: (in chapter 12 and 13 cases, do not list payments to be included in the plan)	
Auto	\$427.00
Other	
Other	
Alimony, maintenance, and support paid to others <b>(Child Support)</b>	\$2,275.00
Payments for support of additional dependents not living at your home	
Regular expenses from operation of business, profession, or farm (attach detailed statement)	
Other	
<b>TOTAL MONTHLY EXPENSES</b> (Report also on summary of Schedules)	<b>\$4,298.00</b>

**(FOR CHAPTER 12 AND 13 DEBTORS ONLY)**

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income	\$
B. Total projected monthly expenses	\$
C. Excess income (A minus B)	\$
D. Total amount to be paid into plan each	\$
(interval)	

In re:	Case Number:
<b>Costello, Brian M. and Heather K.K. , Debtor(s)</b>	(If Known)

**SCHEDULE I – CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**  
**(DEBTOR, HEATHER K.K. COSTELLO)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE		
	RELATIONSHIP	AGE	
<b>Separated</b>	<b>SKC, Daughter</b>	<b>8</b>	
	<b>JMC, Son</b>	<b>4</b>	
	<b>EMC, Daughter</b>	<b>3</b>	
	<b>TCC, Son</b>	<b>1</b>	
	EMPLOYMENT:		
	DEBTOR	SPOUSE	
Occupation	<b>Police Officer and MILITARY</b>	<b>Homemaker</b>	
Name of Employer	<b>City of Rochester</b>	<b>N/A</b>	
How Long Employed	<b>Since October 7, 1996</b>	<b>N/A</b>	
Address of Employer	<b>185 Exchange Boulevard Rochester, NY 14614</b>	<b>N/A</b>	

Income: (Estimate of average monthly income)

Debtor

Spouse

Current monthly gross wages, salary and commissions  
 (pro rate if not paid monthly)

**\$0.00**

Estimate monthly overtime

**SUBTOTAL**

Less Payroll Deductions

- a. Payroll taxes and social security
- b. Insurance
- c. Union dues
- d. Other (Specify) \_\_\_\_\_

**SUBTOTAL OF PAYROLL DEDUCTIONS**  
**TOTAL NET MONTHLY TAKE HOME PAY**

Regular income from operation of business or profession or farm (attach detailed statement)

Income from real property

Interest from real property

Interest and dividends

Alimony, maintenance or support payments payable to the debtor for  
 the debtor's use or that of dependents listed above.

**(Child Support)****\$2,275.00**

Social security or other government assistance  
 (Specify) \_\_\_\_\_

Pension or retirement income

Other monthly income  
 (Specify) \_\_\_\_\_

**TOTAL MONTHLY INCOME****\$2,275.00****TOTAL COMBINED MONTHLY INCOME \$2,275.00** (Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

In re:

Costello, Brian M. and Heather K.K. , Debtor(s)

Case Number:

(If Known)

### SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) ((DEBTOR, HEATHER K.K. COSTELLO))

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

- ☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (Include lot rented for mobile home) \$850.00

Are real estate taxes included? ☐ Yes ☐ No **N/A**

Is property insurance included? ☐ Yes ☐ No **N/A**

Utilities Electricity and heating fuel \$380.00

Water and sewer \$ 50.00

Telephone \$

Cell Phone \$ 75.00

Other: Cable \$ 80.00

Home maintenance (repairs and upkeep)

Food \$400.00

Clothing \$ 20.00

Laundry and dry cleaning \$

Medical and dental expenses \$ 15.00

Transportation (not including car payments) \$100.00

Recreation, clubs and entertainment, newspapers, magazines, etc. \$ 40.00

Charitable contributions \$ 40.00

Insurance (not deducted from wages or included in home mortgage payments):

Homeowner's or Renter's \$ 10.00

Life \$ 37.00

Health \$

Auto \$145.00

Other

Taxes (not deducted from wages or included in home mortgage payments)

(Specify)

Installment payments: (in chapter 12 and 13 cases, do not list payments to be included in the plan)

Auto \$235.00

Other

Other

Alimony, maintenance, and support paid to others

Payments for support of additional dependents not living at your home

Regular expenses from operation of business, profession, or farm (attach detailed statement)

Other

**TOTAL MONTHLY EXPENSES** (Report also on summary of Schedules) \$2,477.00

(FOR CHAPTER 12 AND 13 DEBTORS ONLY)

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income \$

B. Total projected monthly expenses \$

C. Excess income (A minus B) \$

D. Total amount to be paid into plan each \$

(interval)

In re:

**Costello, Brian M. and Heather K.K. , Debtor(s)**

Case Number:

(If Known)

**DECLARATION CONCERNING DEBTOR'S SCHEDULES****DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of nineteen (19) sheets, and that they are true and correct to the best of my knowledge, information and belief.

(Total shown on summary  
page plus 1)

**Date: February 4, 2005**Signature: /s/ Brian M. Costello**Brian M. Costello Debtor****Date: February 4, 2005**Signature: /s/ Heather K.K. Costello a/k/a Heather Kae**Kernan a/k/a Heather Kae Kernan Costello****Heather K.K. Costello a/k/a Heather Kae Kernan a/k/a  
Heather Kae Kernan Costello**

(if joint case, both spouses must sign)

**CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER**  
(SEE 11 U.S.C. §110)

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. §110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security Number (Required by 11 U.S.C. §110(c).)

Address

Names and social Security numbers of all other individuals who prepared or assisted in preparing the document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

**A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of  
Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. §110; 18 U.S.C. §156**

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

I, the \_\_\_\_\_ (the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership) of the \_\_\_\_\_ (corporation or partnership) named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of \_\_\_\_\_ sheets, and that they are true and correct to the best of my knowledge, information and belief.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(Print or type name of individual signing on behalf of debtor)

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor]

**Penalty for making a false statement or concealing property. Fine of up to \$500,000 or  
imprisonment for up to 5 years or both. 18 U.S.C. §§152 and 3571.**

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Description: Main Document , Page 22 of 38

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF WESTERN NEW YORK

In re:

Case No:

Costello, Brian M. and Heather K.K.,

Debtor(s)

## CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

1. I, have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.  
 2. I intend to do the following with respect to the property of the estate which secures those consumer debts:

a. *Property to Be Surrendered.*

## Description of property

## Creditor's name

NONE

b. *Property to Be Retained*

[Check any applicable statement.]

Description Of Property	Creditor's Name	Property Is claimed as exempt	Property will Be redeemed Pursuant to 11 U.S.C. §722	Debt will be Reaffirmed Pursuant to 11 U.S.C. §524(c)
1996 Chevrolet Blazer	HSBC	YES	NO	Reaff'd
2001 Ford Windstar	Chase Manhattan	YES	NO	Reaff'd

Date: February 4, 2005

/s/ Brian M. Costello

Brian M. Costello, Debtor

/s/ Heather K.K. Costello a/k/a Heather Kae Kernan a/k/a Heather Kae Kernan Costello  
 Heather K.K. Costello a/k/a Heather Kae Kernan  
 a/k/a Heather Kae Kernan Costello Joint Debtor, if any

## CERTIFICATION OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. §110)

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. §110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security Number (Required by 11 U.S.C. § 110)

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document.  
 If more than one person prepared this document, attach additional sheets conforming to the appropriate Official form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

FORM 7. STATEMENT OF FINANCIAL AFFAIRS

UNITED STATES BANKRUPTCY COURT

DISTRICT OF WESTERN NEW YORK

In re: Costello, Brian M. and Heather K.K.,  
(Name)  
Debtor

Case No. \_\_\_\_\_  
(if known)

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

*"In business."* A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

*"Insider."* The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

**1. Income from employment or operation of business**

None

☐ State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

SOURCE (if more than one)

In 2002, Debtor earned an approximate annual gross income of \$69,018.00 (joint);  
In 2003, Debtor earned an approximate annual gross income of \$38,921.00 (joint);  
In 2004, Debtor earned an approximate annual gross income of \$65,400.00;  
In 2005, Debtor, Brian M. Costello earned an approximate gross income to date of \$5,450.00;  
In 2005, Debtor, Heather K.K. Costello earned an approximate gross income to date of \$0.00;



## 2. Income other than from employment or operation of business

None



State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

SOURCE

---

## 3. Payments to creditors

None



a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within **90 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR

DATES OF  
PAYMENTS

AMOUNT  
PAID

AMOUNT  
STILL OWING

---

None



b. List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR  
AND RELATIONSHIP TO DEBTOR

DATE OF  
PAYMENT

AMOUNT  
PAID

AMOUNT  
STILL OWING

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## 4. Suits and administrative proceedings, executions, garnishments and attachments

None

a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT  
AND CASE NUMBER

NATURE OF PROCEEDING

COURT OR AGENCY  
AND LOCATION

STATUS OR  
DISPOSITION

**Costello –vs- Costello**  
**Index No.: 51694**

**Divorce**

**Genesee County**  
**Family Court**

**Pending**

None

- b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS  
OF PERSON FOR WHOSE  
BENEFIT PROPERTY WAS SEIZED

DATE OF  
SEIZURE

DESCRIPTION  
AND VALUE OF  
PROPERTY

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#### 5. Repossessions, foreclosures and returns

None

List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS  
OF CREDITOR OR SELLER

DATE OF REPOSSESSION,  
FORECLOSURE SALE,  
TRANSFER OR RETURN

DESCRIPTION  
AND VALUE OF  
PROPERTY

**Systems & Services Technologies  
P.O. Box 801997  
Kansas City, MO 64180-1997**

**October 29, 2004**

**1998 Ford Windstar  
\$7,000.00**

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#### 6. Assignments and receiverships

None

- a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS  
OF ASSIGNEE

DATE OF  
ASSIGNMENT

TERMS OF  
ASSIGNMENT  
OR SETTLEMENT

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None

- b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS  
OF CUSTODIAN

NAME AND LOCATION  
OF COURT  
CASE TITLE & NUMBER

DATE OF  
ORDER

DESCRIPTION  
AND VALUE OF  
PROPERTY

## 7. Gifts

None

- List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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## 8. Losses

None

- List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
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## 9. Payments related to debt counseling or bankruptcy

None

- List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Hogan & Willig, PLLC One John James Audubon Parkway Suite 210 Amherst, New York 14228	January 6, 2005	\$509.00 Retainer and Filing Fees

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## 10. Other transfers

None

- List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
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### 11. Closed financial accounts

None

- List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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### 12. Safe deposit boxes

None

- List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
M & T in Batavia	Heather Costello	Birth Certificates Social Security Cards Baptismal Certificates Last Will & Testament/Health Care Proxy	N/A

### 13. Setoffs

None

- List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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### 14. Property held for another person

None

- List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
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### 15. Prior address of debtor

None

If the debtor has moved within the **two years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
15 Canterbury Lane, Bergen	Brian M. Costello	April 2002 to October, 2002
15 Canterbury Lane, Bergeen	Heather K.K. Costello	April, 2002 to June, 2004
335-D Audino Lane, Rochester	Brian M. Costello	October, 2002 to February, 2003
Overseas (Military)	Brian M. Costello	February, 2003 – December, 2003

### 16. Spouses and Former Spouses

None

- If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the **six-year period** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

### 17. Environmental Information

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites. "Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

None

- a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None

- b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None

- c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS  
OF GOVERNMENTAL UNIT

DOCKET NUMBER

STATUS OR  
DISPOSITION

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**18 . Nature, location and name of business**

None

- a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF TAXPAYER I.D. NUMBER	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
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None

- b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME	ADDRESS
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The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within the **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or otherwise self-employed.

*(An individual or joint debtor should complete this portion of the statement **only** if the debtor is or has been in business, as defined above, within the six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)*

## 19. Books, records and financial statements

None

- a. List all bookkeepers and accountants who within the **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS

DATES SERVICES RENDERED

None

- b. List all firms or individuals who within the **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME

ADDRESS

DATES SERVICES RENDERED

None

- c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME

ADDRESS

None

- d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the **two years** immediately preceding the commencement of this case by the debtor.

NAME AND ADDRESS

DATE ISSUED

## 20. Inventories

None

- a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY INVENTORY SUPERVISOR

DOLLAR AMOUNT OF INVENTORY  
(Specify cost, market or other basis)

None

- b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY

NAME AND ADDRESSES OF CUSTODIAN  
OF INVENTORY RECORDS

## 21 . Current Partners, Officers, Directors and Shareholders

None

- a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS	NATURE OF INTEREST	PERCENTAGE OF INTEREST
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None

- b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP
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## 22 . Former partners, officers, directors and shareholders

None

- a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME	ADDRESS	DATE OF WITHDRAWAL
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None

- b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION
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## 23 . Withdrawals from a partnership or distributions by a corporation

None

- If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
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#### 24. Tax Consolidation Group.

None



If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within the **six-year period** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION

LAST FOUR DIGITS OF TAXPAYER IDENTIFICATION NUMBER

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#### 25. Pension Funds.

None



If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within the **six-year period** immediately preceding the commencement of the case.

NAME OF PENSION FUND

LAST FOUR DIGITS OF TAXPAYER IDENTIFICATION NUMBER

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\* \* \* \* \*

[If completed by an individual or individual and spouse]

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date **February 4, 2005**

Signature  
of Debtor

/s/ Brian M. Costello  
Brian M. Costello

Date **February 4, 2005**

Signature

/s/ Heather K.K. Costello a/k/a Heather Kae Kernan a/k/a Heather Kae Kernan Costello

of Joint Debtor  
(if any)

Heather K.K. Costello a/k/a Heather Kae Kernan a/k/a  
Heather Kae Kernan Costello

[If completed on behalf of a partnership or corporation]

I, declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information and belief.

Date \_\_\_\_\_

Signature

\_\_\_\_\_

Print Name and Title

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

0 continuation sheets attached

*Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. § 152 and 3571*

**CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security No. (See 11 U.S.C. § 110[c])

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

***A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 18 U.S.C. § 156.***

In Re: Costello, Brian M. and Heather K.K. Kernan, Debtor(s)

Case No.

(If Known)

**STATEMENT**

Pursuant to Rule 2016(b)

The undersigned, pursuant to Rule 2016(b) Bankruptcy Rules, states that:

- (1) The undersigned is the attorney for the debtor(s) in this case.
- (2) The compensation paid or agreed to be paid by the debtor(s) to the undersigned is:
  - (a) for legal services rendered or to be rendered in contemplation of and in connection with this case. **\$1,500.00\***
  - (b) prior to filing this statement, debtor(s) have paid **\$ 300.00\***
  - (c) the unpaid balance due and payable is **\$1,200.00\***
- (3) **\$209.00** of the filing fee in this case has been paid.
- (4) The services rendered or to be rendered include the following:
  - (a) analysis of the financial situation, and rendering advice and assistance to the debtor(s) in determining whether to file a petition under title 11 of the United States Bankruptcy Code.
  - (b) preparation and filing of the petition, schedules, statement of affairs and other documents required by the court.
  - (c) representation of the debtor(s) at the meeting of creditors.
- (5) The source of payments made by the debtor(s) to the undersigned was from earnings, wages and compensation for services performed, and
- (6) The source of payments to be made by the debtor(s) to the undersigned for the unpaid balance remaining, if any, will be from earnings, wages and compensation for services performed, and
- (7) the undersigned has received no transfer, assignment or pledge of property except the following for the value states:
- (8) The undersigned has not shared or agreed to share with any other entity, other than with members of undersigned's law firm, any compensation paid or to be paid except as follows:

**\*Services rendered at a rate of \$110.00 to \$155.00 per hour; services are expected to entail 8-10 hours.****Dated: February 4, 2005**Respectfully Submitted /s/ Diane R. Tiveron, Attorney for Petitioner  
**Diane R. Tiveron**Attorney's name and address: **Hogan & Willig, PLLC, One John James Audubon Parkway, Suite 210, Amherst, NY 14228**

**Annie's Attic Series**  
**P.O. Box 8000**  
**Big Sandy, TX 75755-8000**

**Bank One NA**  
**c/o Bank One**  
**P.O. Box 1515**  
**Wilmington, DE 19886-5153**

**CBUSA Sears**  
**P.O. Box 182149**  
**Columbus, OH 43218-2149**

**Chase Manhattan Bank NA**  
**P.O. Box 5210**  
**New Hyde Park, NY 11042**

**Cingular Wireless**  
**P.O. Box 17496**  
**Baltimore, MD 21297-1496**

**Citibank (South Dakota) N.A.**  
**Customer Service Center**  
**P.O. Box 6500**  
**Sioux Falls, SD 57117-6500**

**Citi Cards**  
**P.O. Box 6345**  
**The Lakes, NV 88901-6345**

**Citicorp Credit Services, Inc. (USA)**  
**c/o Alliance One Receivables**  
**Management Inc.**  
**P.O. Box 21951**  
**Eagan, MN 55121-9998**

**Collection Company of America**  
**P.O. Box 329**  
**Norwell, MA 02061-0329**

**Democrat and Chronicle**  
**55 Exchange Boulevard**  
**Rochester, NY 14614**

**Disney Cardmember Service**  
**P.O. Box 15153**

Wilmington, DE 19886-5153

E-Trade/SST Inc.  
Systems & Services Technologies  
P.O. Box 3777  
St. Joseph, MO 64503-3777

HSBC Bank USA  
Suite 111 P.O. Box 2013  
Buffalo, NY 14240-2013

HSBC Bank USA NA  
P.O. Box 37278  
Baltimore, MD 21297-3278

Household Bank c/o  
HSBC Card Services  
P.O. Box 17332  
Baltimore, MD 21297-1332

JCPenney  
P.O. Box 960001  
Orlando, FL 32896-0001

NCO Financial Systems Inc. c/o  
Monogram Credit Card Bank  
of Georgia  
P.O. Box 105985  
Atlanta, GA 30348-5985

Raymour and Flanigan c/o Wells  
Fargo Financial National Bank  
P.O. Box 98796  
Las Vegas, NV 89193-8796

Risk Management Alternatives, Inc.  
11214 Renner Road  
Lenexa, KS 66219

Rochester and Monroe County  
Employees Federal Credit Union  
460 N Goodman Street  
Rochester, NY 14609

Sam's Club  
P.O. Box 530942  
Atlanta, GA 30353-0942

Target National Bank  
P.O. Box 59317  
Minneapolis, MN 55459-0317

**Village of Bergen  
P.O. Box 100  
11 Buffalo Street  
Bergen, NY 14416**

**WF Finance  
c/o World Financial NNB  
P.O. Box 659728  
San Antonio, TX 78265-9728**

**Wells Fargo Financial  
P.O. Box 98784  
Las Vegas, NV 89193-8784**